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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph R. BYRUM

Appln. No.: 09/606,977

Filed: June 28, 2000

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants

Art Unit: 1631

Examiner: Marianne P. Allen

Confirmation No.: 6609

Atty. Docket: 16517.144

Request for Refund of Improper Charge to Deposit Account

Mail Stop 16

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests a refund of an improper charge for the following reason:

On September 8, 2003, Applicant timely filed an Appellant's Brief and authorized payment of the relevant fee, at that time \$320, from Deposit Account 50-2387. The fee was charged to Deposit Account 50-2387 on September 9, 2003 (see highlighted entry on page 1 of the attached copy of the September 2003 deposit account statement).

On November 17, 2003, Examiner Marianne Allen informed one of Applicant's representatives that there was no record in the file of the Brief. A copy of the Brief, along with the postcard receipt date-stamped on September 8, 2003, was re-submitted to the U.S. Patent and Trademark Office on November 21, 2003 and a courtesy copy was provided to Examiner Allen via facsimile on November 21, 2003. A fee of \$330 was subsequently charged to Deposit Account 50-2387 on November 24, 2003 (see highlighted entry on page 2 of the attached copy of the November, 2003 deposit account statement).

Application No. 09/606,977

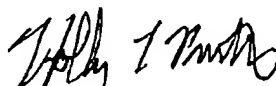
Joseph R. BYRUM

Page 2

Courtesy copies of a September 8, 2003 transmittal letter, a postcard receipt date-stamped on September 8, 2003, a November 21, 2003 transmittal letter, a postcard receipt date-stamped on November 21, 2003, and a November 21, 2003 Auto-Reply Facsimile Transmission are attached for your convenience.

Since Applicant has been charged twice for the same filing, Applicant hereby requests a refund in the amount of \$330.00 be credited to Deposit Account No. 50-2387, referencing matter number 16517.144. A duplicate of this Request is enclosed for this purpose.

Respectfully submitted,



David R. Marsh (Reg. Attorney No. 41,408)

Holly Logue Prutz (Reg. Attorney No. 47,755)

Date: January 28, 2004

Correspondence Address:

Monsanto Company
800 N. Lindbergh Blvd.
Mailzone E2NA
St. Louis, MO 63167
(314) 694-3602 telephone
(314) 694-9009 facsimile

Arnold & Porter
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
(202) 942-5000 telephone
(202) 942-5999 facsimile

Deposit Account Statement

Page 1 of 3


**United States
Patent and
Trademark Office**
**Deposit Account Statement**

Requested Statement Month: September 2003
Deposit Account Number: 502387
Name: ARNOLD & PORTER
Attention: VIRGINIA BIRCH-IP DOCKET OFFICE
Address: 555 12TH STREET, NW
City: WASHINGTON
State: DC
Zip: 20004-1206

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
09/02	15	10393347		8021	\$40.00	\$33,264.00
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09/02	1016	75747086		7004	\$150.00	\$32,964.00
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09/05	37	PCT/US03/26755	16602.008	1602	\$700.00	\$52,081.00
09/05	38	PCT/US03/26755	16602.008	1701	\$328.00	\$51,753.00
09/05	39	PCT/US03/26755	16602.008	1707	\$520.00	\$51,233.00
09/05	40	PCT/US03/26755	16602.008	8007	\$20.00	\$51,213.00
09/05	49	10281997	16827.039	8021	\$40.00	\$51,173.00
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09/05	52	10157894	16827.029	8021	\$40.00	\$51,053.00
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09/08	83	2085096		7208	-\$200.00	\$50,718.00
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09/09	10	1805958		7201	\$400.00	\$50,384.00
09/09	233	09606977		1402	\$320.00	\$50,064.00

Deposit Account Statement

Page 2 of 3

09/10 44	60501023	18779.003	1005	\$160.00	\$49,904.00
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09/10 115	09637086	38-21(51375)	1402	\$320.00	\$49,184.00
09/10 116	10656183	18276.002	2202	\$45.00	\$49,139.00
09/10 117	10656183	18276.002	2201	\$84.00	\$49,055.00
09/11 34	60501406	18779.006	1005	\$160.00	\$48,895.00
09/11 50	10629649	18528.588CIP	1001	-\$750.00	\$49,645.00
09/11 51	10629649	18528.588CIP	1201	-\$336.00	\$49,981.00
09/11 52	10629649	18528.588CIP	1202	-\$918.00	\$50,899.00
09/11 53	10629649	18528.588CIP	2001	\$375.00	\$50,524.00
09/11 54	10629649	18528.588CIP	2201	\$168.00	\$50,356.00
09/11 55	10629649	18528.588CIP	2202	\$459.00	\$49,897.00
09/11 130	09756690	030639.0027U	2252	\$205.00	\$49,692.00
09/12 41	10659792	16827.051	2001	\$375.00	\$49,317.00
09/12 42	10659792	16827.051	2201	\$2,016.00	\$47,301.00
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09/16 546	2099602		7205	\$100.00	\$51,170.00
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09/17 2	10126513	13587.348	1814	\$110.00	\$50,776.00
09/17 104	10375028	18196.002	2051	\$65.00	\$50,711.00
09/17 105	10375028	18196.002	2253	\$465.00	\$50,246.00
09/18 599	78301922		7001	\$335.00	\$49,911.00
09/22 26	09684016	04983.0204.C	1401	\$320.00	\$49,591.00
09/22 81	09614221	16516.075	1251	\$110.00	\$49,481.00
09/22 871	78054509		7003	\$400.00	\$49,081.00
09/22 1101	0968810		7205	\$100.00	\$48,981.00
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09/24 711	78047504		7004	\$300.00	\$47,411.00

Deposit Account Statement

Page 3 of 3

09/25 156 78134930		7003	\$100.00	\$47,311.00
09/25 199 2095894		6205	\$100.00	\$47,211.00
09/25 200 2095894		6208	\$200.00	\$47,011.00
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09/26 847 78305822		7001	\$335.00	\$45,056.00
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09/26 852 78305824		7001	\$335.00	\$44,386.00
09/26 854 78305826		7001	\$335.00	\$44,051.00
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Deposit Account Statement

Page 1 of 2


**United States
Patent and
Trademark Office**
**Deposit Account Statement**

Requested Statement Month: November 2003
Deposit Account Number: 502387
Name: ARNOLD & PORTER
Attention: VIRGINIA BIRCH-IP DOCKET OFFICE
Address: 555 12TH STREET, NW
City: WASHINGTON
State: DC
Zip: 20004-1206

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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11/12	991	78326086		7001	\$335.00	\$58,020.00
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11/12	1833	78096283		7004	\$150.00	\$57,535.00
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11/13	707	78327175		7001	\$1,675.00	\$55,750.00
11/13	721	78327177		7001	\$335.00	\$55,415.00
11/13	1041	75754583		7004	\$150.00	\$55,265.00
11/13	1046	75753118		7004	\$150.00	\$55,115.00
11/17	5	PCT/US03/32490	18276.002	1703	\$12.00	\$55,103.00
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11/18	177	09267199	04983.0024.0	1402	\$330.00	\$54,443.00
11/18	227	2124106		7205	\$100.00	\$54,343.00
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Deposit Account Statement

Page 2 of 2

11/18 229	76471745	13908.001	7003	\$100.00	\$54,043.00
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11/18 775	75782704		7004	\$450.00	\$51,428.00
11/18 779	78036767		7004	\$150.00	\$51,278.00
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11/19 11	78193377		8521	\$40.00	\$50,903.00
11/19 76	60520384	19025.002	1005	\$160.00	\$50,743.00
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11/19 149	09889331	030639.0031	1251	\$110.00	\$49,863.00
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11/24 48	PAYMENT		9203	-\$13,816.00	\$61,864.00
11/24 90	09606977	16517.144	1402	-\$330.00	\$61,534.00
11/24 955	78332031		7001	\$670.00	\$60,864.00
11/25 94	78332280	98190.001	7001	\$1,005.00	\$59,859.00
11/25 118	29194219	18754.004	1002	\$340.00	\$59,519.00
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START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$46,063.00	\$19,177.00	\$30,953.00	\$57,839.00

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COPY

ARNOLD & PORTER

Holly Logue Prutz
Holly_Prutz@aporter.com202.942.5243
202.942.5999 Fax555 Twelfth Street, NW
Washington, DC 20004-1206

September 8, 2003

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Rc: U.S. Application No. 09/606,977
Filed: June 28, 2000
Title: Nucleic Acid Molecules and Other Molecules Associated
with Plants
Applicant: Joseph R. BYRUM
Atty. Docket: 16517.144

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.
Patent and Trademark Office (PTO):

1. an Appellant's Brief; and
2. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to
our courier.

Applicant requests that the following fee be charged to Deposit Account No. 50-2387
referencing docket number 16517.144:

\$ 320.00 appeal brief fee

In the event that extensions of time beyond those petitioned for herewith are necessary
to prevent abandonment of this patent application, then such extensions of time are hereby
petitioned. Applicant does not believe any fees, other than the above fee (\$320), are due in
conjunction with this filing. However, if any additional fees under 37 C.F.R. §§ 1.16 or 1.17
are required in the present application, including any fees for extensions of time, then the

ARNOLD & PORTER

Commissioner for Patents

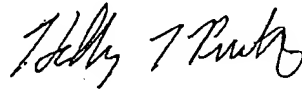
Atty. Docket: 16517.144

September 8, 2003

Page 2

Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16517.144. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. Attorney No. 41,408)

Holly Logue Prutz (Reg. Attorney No. 47,755)

Enclosures

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEAtty Docket No: 16517.144
Date: September 8, 2003Applicant(s): Joseph R. BYRUM
Appl. No.: 09/606,977
Filing Date: June 28, 2000
Title: Nucleic Acid Molecules and Other Molecules Associated with PlantsArt Unit: 1631
Examiner: Marianne P. AllenCommissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450
Sir:

Please place the U.S. Patent & Trademark Office receipt stamp hereon to acknowledge receipt of the following:

1. a Transmittal Letter (in duplicate);
2. an Appellant's Brief (in triplicate); and
3. a return postcard.



Return postcard to: Danielle M. Edwards (Room 1195A)

COPY

ARNOLD & PORTER

202.942.5000
202.942.5999 Fax555 Twelfth Street, NW
Washington, DC 20004-1206

November 21, 2003

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/606,977
Filed: June 28, 2000
Title: Nucleic Acid Molecules and Other Molecules Associated
with Plants
Applicant: Joseph R. BYRUM
Atty. Docket: 16517.144

Sir:

On September 8, 2003, Applicant timely filed an Appellant's Brief (in triplicate) in support of the Notice of Appeal submitted on July 8, 2003. However, according to Examiner Allen, there is no record in the U.S. Patent and Trademark Office of the filing of the Appellant's Brief. Therefore, at the Examiner's request, the undersigned is submitting herewith:

1. a copy of the Appellant's Brief, in triplicate, and
2. a copy of the postcard receipt date-stamped September 8, 2003.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

Applicant notes that the Appellant's Brief was timely filed on September 8, 2003 and that no fees for extensions of time are due at this time. However, in the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Additionally, Applicant notes that authorization to charge the fee for filing the brief was given in the September 8, 2003 filing and, therefore, Applicant does not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application,

ARNOLD & PORTER

Commissioner for Patents
Atty. Docket: 16517.144
November 21, 2003
Page 2

including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16517.144. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. Attorney No. 41,408)
Holly Logue Prutz (Reg. Attorney No. 47,755)

Enclosures

COPY

Aily Docket No: 16517.144
Date: November 21, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Joseph R. BYRUM	Art Unit:	1631
Appln. No.:	09/606,977	Examiner:	Marianne P. Allen
Filing Date:	June 28, 2000	Confirmation No.:	6609
Title:	Nucleic Acid Molecules and Other Molecules Associated with Plants		

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

Please place the U.S. Patent & Trademark Office receipt stamp hereon to acknowledge receipt of the following:

1. a Transmittal Letter (in duplicate);
2. a courtesy copy (in triplicate) of the Appellant's Brief filed September 8, 2003;
3. a copy of the postcard receipt date-stamped by the OIPE on September 8, 2003; and
4. a return postcard.



Return postcard to: Danielle M. Edwards (Room 980)

DME

16517-144

USPTO 11/21/2003 3:03 PM PAGE 1/001 Fax Server
 TO:Auto-reply fax to 202 942 5999 COMPANY:

Auto-Reply Facsimile Transmission



TO: Fax Sender at 202 942 5999
 Fax Information
 Date Received: 11/21/2003 2:56:31 PM [Eastern Standard Time]
 Total Pages: 30 (including cover page)

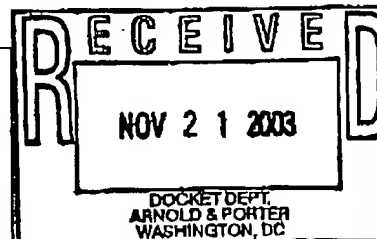
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January 28, 2004

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/606,977
Filed: June 28, 2000
Title: Nucleic Acid Molecules and Other Molecules Associated
with Plants
Applicant: Joseph R. BYRUM
Atty. Docket: 16517.144

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Request for Refund of Improper Charge to Deposit Account (in duplicate);
2. courtesy copies of a transmittal letter dated September 8, 2003; a postcard receipt date-stamped by the OIPE on September 8, 2003; a transmittal letter dated November 21, 2003; a postcard receipt date-stamped by the OIPE on November 21, 2003; an Auto-Reply Facsimile Transmission dated November 21, 2003 acknowledging receipt of a facsimile transmission; a copy of the September 2003 Deposit Account Statement; and a copy of the November 2003 Deposit Account Statement; and
3. a return postcard.

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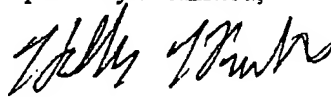
In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicant does not believe any fees are due in conjunction with this filing. However, if any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application,

ARNOLD & PORTER

Director of the U.S. Patent and Trademark Office
Application No. 09/606,977
January 28, 2004
Page 2

including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16517.144.

Respectfully submitted,



David R. Marsh (Reg. Attorney No. 41,408)
Holly Logue Prutz (Reg. Attorney No. 47,755)

Enclosures

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November 21, 2003

Mail Stop Appeal Brief-Patents
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Alexandria, VA 22313-1450

Re: U.S. Application No. 09/606,977
Filed: June 28, 2000
Title: Nucleic Acid Molecules and Other Molecules Associated
with Plants
Applicant: Joseph R. BYRUM
Atty. Docket: 16517.144

Sir:

On September 8, 2003, Applicant timely filed an Appellant's Brief (in triplicate) in support of the Notice of Appeal submitted on July 8, 2003. However, according to Examiner Allen, there is no record in the U.S. Patent and Trademark Office of the filing of the Appellant's Brief. Therefore, at the Examiner's request, the undersigned is submitting herewith:

1. a copy of the Appellant's Brief, in triplicate, and
2. a copy of the postcard receipt date-stamped September 8, 2003.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

Applicant notes that the Appellant's Brief was timely filed on September 8, 2003 and that no fees for extensions of time are due at this time. However, in the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Additionally, Applicant notes that authorization to charge the fee for filing the brief was given in the September 8, 2003 filing and, therefore, Applicant does not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application,

Adjustment Date: 02/04/2004 SDIRETAL
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Applicants: Joseph R. BYRUM Appln. No.: 09/606,977 Filing Date: June 28, 2000 Title: Nucleic Acid Molecules and Other Molecules Associated with Plants		Transmitted herewith are: 1. a Transmittal Letter; 2. a Request for Refund of Improper Charge to Deposit Account (in duplicate); and 3. courtesy copies of a transmittal letter dated September 8, 2003; a postcard receipt date-stamped by the OIPE on September 8, 2003; a transmittal letter dated November 21, 2003; a postcard receipt date-stamped by the OIPE on November 21, 2003; an Auto-Reply Facsimile Transmission dated November 21, 2003 acknowledging receipt of a facsimile transmission; a copy of the September 2003 Deposit Account Statement; and a copy of the November 2003 Deposit Account Statement.	

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